



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00388-00

26 May 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LTJG [REDACTED] SC, USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 17 Oct 99 w/attachments  
(2) PERS-911 memo dtd 20 Mar 00  
(3) PERS-86 memo dtd 25 Apr 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the date of acceptance on his Naval Reserve Officer Appointment Acceptance and Oath of Office (A&O) as 1 January 1998 vice 23 June 1999, to reflect no break in service. He further requested that his selection to lieutenant while on active duty in the Regular Navy be given effect, so he can be promoted.

2. The Board, consisting of Ms. Moidel and Taylor and Mr. Ensley, reviewed Petitioner's allegations of error and injustice on 18 May 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing the acceptance date on his A&O from 23 June 1999 to 1 January 1998 and state that after the acceptance date is changed, they will issue a corrected statement of service to reflect no break in service.

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c. In correspondence attached as enclosure (3), the NPC office with cognizance over Naval Reserve officer promotions has commented to the effect that if a corrected A&O is effected, Petitioner will be eligible for promotion to lieutenant with a date of rank of 1 January 1998 as if no break in service had occurred.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**


a. That Petitioner's naval record be corrected, where appropriate, to show his original appointment as a lieutenant junior grade, Supply Corps, Naval Reserve was accepted on 1 January 1998 vice 23 June 1999; and that his pay entry base date and anniversary date be changed accordingly.

b. That his record be corrected further to show that he was promoted to lieutenant, Supply Corps, Naval Reserve with a date of rank and effective date of 1 January 1998; and that his lineal precedence be adjusted accordingly.

c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

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5420  
Pers-911  
20 Mar 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: BCNR Coordinator (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED], SC, USNR, [REDACTED]

Encl: (1) BCNR memo 5420 PERS-00ZCB of 16 Mar 00

1. Enclosure (1) is forwarded with the following comments and recommendations concerning [REDACTED] case.
2. We support [REDACTED]'s petition. Based on the information in his petition we agree that there was an administrative oversight in the processing of his Oath of Office. The instructions forwarded with the Oath of Office specify that upon separation it was to be signed, witnessed, and forwarded to Commander, Navy Recruiting Command. The separating activity should have ensured completion of this action.
3. [REDACTED]'s Oath of Office is currently on file in his permanent record at Navy Personnel Command. We recommend that the date of acceptance on the Oath of Office be changed from 23 June 1999 to 1 January 1998. We will issue a corrected statement of service to reflect no break in service after effecting this change. We also recommend that this case be referred to the Reserve Officer Promotions Branch (PERS-86) for comment on his promotions to lieutenant.
4. Point of contact is [REDACTED] commercial [REDACTED]

[REDACTED]  
[REDACTED]  
Director, Naval Reserve Personnel  
Administration Division



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND**

**5720 INTEGRITY DRIVE**

**MILLINGTON TN 38055-0000**

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PERS-86

**25 APR 2000**

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST ICO LIEUTENANT JUNIOR GRA [REDACTED]  
USNR, [REDACTED]

Encl: (1) BCNR File 00388-00 w/Service Record

1. We are returning enclosure (1) with the following comments  
and recommendation that relief be granted.

2. LTJG [REDACTED] had been selected for promotion by the FY-98  
Active Lieutenant Supply Corps promotion selection board. He was  
released from active duty prior to his promotion. Since he had  
not been promoted, and there had been an apparent break in  
service, his promotion was not affected. If a corrected  
Acceptance and Oath of Office is effected, he will be eligible  
for promotion to Lieutenant with a date of rank of 01 January  
1998 as if no break in service had occurred.

[REDACTED]  
Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division